

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

General Restaurant Equipment  
Company  
1750 Albion Street  
Los Angeles, CA 90031

Respondent.

Docket HWCA 2003-0242

CONSENT ORDER

Health and Safety Code  
Section 25187

The State Department of Toxic Substances Control  
("Department") and General Restaurant Equipment Company  
("Respondent") enter into this Consent Order and agree as follows:

1. Respondent generates, handles, and stores  
hazardous waste at 1740 and 1750 Albion Street, Los Angeles  
California 90031 (Site).

2. The Department inspected the Site on January 17,  
2003.

3. The Department alleges the following violations:

3.1. The Respondent allegedly violated Health and  
Safety Code section 25189(d), in that on or about January 16,  
2003, the Respondent negligently disposed or caused the disposal  
of five 55 gallon drums (172 gallons) of hazardous waste at a  
point which was not authorized.

3.2. The Respondent allegedly violated section  
66262.34(a) Title 22, California Code of Regulations,  
in that Respondent illegally stored hazardous waste from December 18,  
2000 to January 15, 2003.

3.3. The Respondent allegedly violated Health and Safety Code, section 22507(a), in that Respondent failed to report a hazardous materials spill that occurred on September 18, 2000.

4. A dispute exists regarding the alleged violations.

5. The parties wish to avoid the expense of litigation and to ensure prompt compliance.

6. Jurisdiction exists pursuant to Health and Safety Code section 25187.

7. Respondent waives any right to a hearing in this matter.

8. This Consent Order shall constitute full settlement of the violations alleged above, but does not limit the Department **from** taking appropriate enforcement action concerning violations arising out of facts or events not alleged above.

9. Nothing in this Consent Order shall be construed to constitute an admission of liability for any violations that have been or could be alleged to arise out of the facts or events described above.

#### SCHEDULE FOR COMPLIANCE

10. Respondent shall comply with the following:

10.1. Respondent has already provided documentation to the Department indicating that the hazardous waste involved in the alleged violations has been disposed of legally.

10.2. Respondent shall manage, store, and dispose of hazardous waste in accordance with the Hazardous Waste

Control Law (Health and Safety Code sections 25100 et. seq. and California Code of Regulations, Title 22, Division 4.5).

10.3. Respondent agrees to send Kam C. Law or Peter Lee to the California Compliance School, modules I through V. Attendance must be completed and Respondent must submit a Certificate of Satisfactory Completion issued by the California Compliance School to the Department within 180 days of the date of this Consent Order. If Respondent fails to submit the Certificates, as required, a stayed penalty of \$5,000 becomes due and payable within 30 days after the expiration of the 180 day period. This 180 day period may be extended by the Department upon written request from the Respondent demonstrating good cause.

10.4. Within 30 days of the effective date of this Consent Order, Respondent agrees to make payment in the amount of \$8,000.00 to the Western States Project as a Supplemental Environmental Project in lieu of an additional \$8,000.00 penalty. Respondent's check in the amount of \$8,000.00 shall be made payable to the Western States Project, and shall be mailed to:

Western States Project  
1275 W. Washington  
Phoenix, **AZ** 85007

Respondent must submit evidence of such payment to Ramon B. Perez on behalf of the Department at the address specified in paragraph 12. If Respondent fails to make payment as provided in this paragraph within the time specified, \$8,000.00 shall be added to the penalty payable to the Department set forth in paragraph 11.

11. Submittals: All submittals from Respondent pursuant to this Consent Order shall be sent simultaneously to:

Roberto Kou, Unit Chief  
Department of Toxic Substances Control  
Statewide Compliance Division  
1011 N. Grandview Avenue  
Glendale, California 92101-2205

James C. McCarthy, Supervising Criminal Investigator  
5796 Corporate Avenue  
Cypress, California 90630

Ramon B. Perez  
Senior Staff Counsel  
2078 Camino Del Rio South  
San Diego, California 92108

11.1. Communications: All approvals and decisions of the Department made regarding such submittals and notifications shall be communicated to Respondent in writing by a Branch Chief 8th Department of Toxic Substances Control, or his/her designee. No informal advice, guidance, suggestions, or comments by the Department regarding reports, plans, specifications, schedules, or any other writings by Respondent shall be construed to relieve Respondent of its obligation to obtain such formal approvals as may be required.

11.2. Department Review and Approval: If the Department determines that any report, plan, schedule, or other document submitted for approval pursuant to this Consent Order fails to comply with the Order or fails to protect public health or safety or the environment, the Department may return the document to Respondent with recommended changes and a date by which Respondent must submit to the Department a revised document incorporating the

recommended changes.

11.3. Compliance with Applicable Laws:

Respondent shall carry out this Order in compliance with all local, State, and federal requirements, including but not limited to requirements to obtain permits and to assure worker safety.

11.4. Liability: Nothing in this Consent Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Consent Order. Notwithstanding compliance with the terms of this Consent Order, Respondent may be required to take further actions as are necessary to protect public health or welfare or the environment.

11.5. Sampling, Data, and Document

Availability: To the extent consistent with applicable laws, Respondent shall permit the Department and its authorized representatives to inspect and copy all sampling, testing, monitoring, and other data generated by Respondent or on Respondent's behalf in any way pertaining to work undertaken pursuant to this Consent Order. Respondent shall allow the Department and its authorized representatives to take duplicates of any samples collected by Respondent pursuant to this Consent Order. Respondent shall maintain a central depository of the data, reports, and other documents prepared pursuant to this Consent Order. All such data, reports, and other documents shall be preserved by Respondent for a minimum of six years after the conclusion of all activities under this Consent Order. If the Department requests that some or all of these documents be preserved for a longer period

of time, Respondent shall either comply with that request, deliver the documents to the Department, or permit the Department to copy the documents prior to destruction. Respondent shall notify the Department in writing at least six months prior to destroying any documents prepared pursuant to this Consent Order.

11.6. Government Liabilities: The State of California shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent or related parties specified in paragraph 13.3, in carrying out activities pursuant to this Consent Order, nor shall the State of California be held as a party to any contract entered into by Respondent or their carrying out activities pursuant to this Consent Order.

11.7. Incorporation of Plans and Reports: All plans, schedules, and reports that require Department approval and are submitted by Respondent pursuant to this Consent Order are incorporated in this Consent Order upon approval by the Department.

11.8. Extension Requests: If Respondent is unable to perform any activity or submit any document within the time required under this Consent Order, the Respondent may, prior to expiration of the time, request an extension of time in writing. The extension request shall include a justification for the delay.

11.9. Extension Approvals: If the Department determines that good cause exists for an extension, it will grant the request and specify in writing a new compliance schedule.

#### ADDITIONAL PAYMENTS

12. Within 30 days of the effective date of this Consent Order, Respondent shall pay the Department a total of \$32,488.24, of which \$20,600.00 is a penalty and \$11,888.24 is

reimbursement of the Department's costs. Pursuant to paragraphs 10.3 and 10.4 hereof, additional specified penalty amounts may arise if and when Respondent fails to comply with the provisions of paragraph 10.3 and/or 10.4.

Respondent's check in the amount of **\$32,488.24** shall be made out to the Department **of** Toxic Substances Control, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control  
Accounting Office  
1001 I Street, 21st floor  
P. O. Box 806  
Sacramento, California **95812-0806**

A photocopy of the check shall be sent to:

Roberto Kou, Unit Chief  
Department of Toxic Substances Control  
Statewide Compliance Division  
1011 N. Grandview Avenue  
Glendale, California **92101-2205**

James C. McCarthy  
Supervising Criminal Investigator  
5796 Corporate Avenue  
Cypress, California **90630**

Ramon B. Perez  
Senior Staff Counsel  
2878 Camino Del Rio South  
San Diego, California **92108**

If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code section **25360.1**, and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

#### OTHER PROVISIONS

**13.1.** Additional Enforcement Actions: By agreeing to this Consent Order, the Department does not waive the

right to take further enforcement actions, except to the extent provided in this Consent Order.

13.2. Penalties for Noncompliance: Failure to comply with the terms of this Consent Order may subject Respondent to civil penalties and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such failure, as provided by Health and Safety Code section 25186 and other applicable provisions of law.

13.3. Parties Bound: This Consent Order shall apply to and be binding upon Respondent and its receivers, trustees, employees, contractors, consultants, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Consent Order.

13.4. Effective Date: The effective date of this Consent Order is the date it is signed by the Department. Within three (3) business days of execution by the Department, the Department shall notify the Respondent of the execution of this Consent Order by mailing a copy of the fully executed Consent Order by first class mail sent to:

Mr. Kam C. Law  
General Restaurant Equipment Company  
1650 Albim Street  
Los Angeles, CA 90031

and

Roger J. Holt, Esq.  
9401 Wilshire Boulevard, 9<sup>th</sup> Floor  
Beverly Hills, CA 90212

13.5. Integration: This agreement constitutes




the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this agreement.

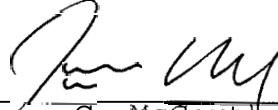
13.6. Compliance with Waste Discharge

Requirements: Respondent shall comply with all applicable waste discharge requirements issued by the State Water Resources Control Board or a California Regional Water Quality Control Board.

Dated: Sept 12 - 03

  
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Kam C. Law, Owner  
General Restaurant Equipment Company

Dated: Sept 23, 2003

  
\_\_\_\_\_  
James C. McCarthy  
Supervising Criminal Investigator  
Department of Toxic Substances Control